

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

REACT PRESENTS, INC., an Illinois
Corporation, CLUBTIX, INC., an Illinois
Corporation, LUCAS KING and JEFFERY
CALLAHAN,

Plaintiffs,

v.

ROBERT F. X. SILLERMAN,

Defendant.

No. 16-CV-03790

Hon. Charles P. Kocoras

PLAINTIFFS' MOTION FOR ENTRY OF JUDGMENT ORDER

Plaintiffs, React Presents, Inc., Clubtix, Inc. (the "React Entities"), Lucas King ("King") and Jeffery Callahan ("Callahan") (collectively, "Plaintiffs"), by their attorneys, respectfully move the Court for an Order entering judgment against Defendant Robert F. X. Sillerman ("Sillerman"). In support of their Motion, Plaintiffs state as follows:

1. On August 15, 2017, the Court referred this case to Magistrate Judge Finnegan for discovery supervision, including resolution of Plaintiffs' Motion to Quash and for Protective Order, Sillerman's Motion to Compel, and third-party LiveStyle, Inc.'s ("LiveStyle") subsequently-filed Motion to Quash (together, the "Discovery Motions"). [Doc. No. 59.]

2. After supplementing the briefs, the parties appeared before Judge Finnegan on September 20, 2017 for hearing on the Discovery Motions. Among other things, Judge Finnegan ordered the parties to continue to meet and confer regarding the document requests at issue, and to file a joint status report on or before October 4, 2017 identifying any remaining disputes. [Doc. No. 74.]

3. As contemplated by Judge Finnegan's September 20 Order, the parties sought and received an additional week, through and including October 11, 2017, to file their joint status report.

4. On October 11, 2017, Sillerman's counsel informed Plaintiffs' counsel via e-mail that, in light of facts discovered through review of records provided by Stout and BDO Seidman, Sillerman would be withdrawing his Motion to Compel, thereby mooting Plaintiffs' Motion to Quash. Later that day, in lieu of the joint status report, Sillerman submitted a letter to Judge Finnegan to the same effect. [Doc. No. 76.]

5. Sillerman's counsel's October 11, 2017 e-mail also proposed "working out a proposed form of judgment to end the case," which the parties further discussed and ultimately accomplished over the following days. True and correct copies of all correspondence between Plaintiffs' counsel and Sillerman's counsel from October 11, 2017 to the present are attached hereto as **Group Exhibit A**.

6. On October 13, 2017, based on representations by Sillerman's counsel that the parties would seek to reach an agreement on a stipulated judgment, Judge Finnegan entered a Minute Order terminating the referral and returning the case to this Court. [Doc. No. 77.]

7. Shortly thereafter, on October 16, 2017, at the suggestion of Sillerman's counsel, Plaintiffs' counsel prepared and circulated a draft [Proposed] Final Judgment and accompanying Stipulation for Sillerman's consideration and prompt submission to this Court. *See* Group Ex. A.

8. Sillerman's counsel made only one change, which Plaintiffs' counsel accepted before recirculating. *Id.* For the last two weeks, Sillerman's counsel has been attempting to reach his client to discuss a proposed payment plan and get final sign off on the Stipulation and proposed Judgment. *Id.*

9. In light of Sillerman's prior agreement to entry of a judgment,¹ as well as Plaintiffs' concerns about the passage of additional time in light of the parties' history and Sillerman's complicated financial situation, the Court should enter the [Proposed] Judgment Order attached hereto as **Exhibit B** now, with the payment schedule and other post-judgment matters potentially to be worked out by the parties in the near term.²

10. In the event Sillerman executes the proposed Stipulation for entry of judgment before the presentment hearing on the instant motion, the parties will promptly submit the same and contact the Court to request that the hearing be taken off calendar.

WHEREFORE, Plaintiffs respectfully request that the Court: (a) enter the [Proposed] Judgment Order attached as Exhibit B; and (b) granting such other and further relief that this Court deems just and proper.

¹ Plaintiffs do not believe there is any dispute over the correct amount of said judgment. The principle and interest due and owing under the guaranty in question have been calculated consistent with Plaintiffs' Motion for Summary Judgment and support Memorandum. [Doc. Nos. 46 and 48.]

² Plaintiffs have already agreed to forego for seven days any efforts to collect on the judgment while Sillerman considers a payment plan proposal.

Dated: November 1, 2017

Respectfully submitted,

REACT PRESENTS, INC., an Illinois
Corporation, CLUBTIX, INC., an Illinois
Corporation, LUCAS KING and JEFFERY
CALLAHAN

By: s/ James V. Garvey
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